

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY ROBERTSON BARRETT,

Plaintiff,

v.

THE ARENA GROUP HOLDINGS, INC.,
ET AL.

Defendants.

1:24-cv-00673-DEH

(Ho, J.)

DECLARATION OF KERSTIN M. MILLER

1. I am a witness of lawful age, and counsel of record for Defendant The Arena Group Holdings, Inc. (“Arena Group”) in the above-referenced case.
2. I submit this declaration in support of Arena Group’s Partial Motion to Dismiss.
3. Attached to this Declaration as Exhibit 1A is a true and correct copy of the Business Wire press release to which Plaintiff refers in Paragraph 35 of his Complaint.
4. Attached to this Declaration as Exhibit 1B is a true and correct copy of the “Futurism” online article referenced on page 17 of Defendant Arena Group’s Partial Motion to Dismiss.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 14, 2024

/s/
Kerstin M. Miller

EXHIBIT 1A



The Arena Group Announces Termination Of CEO Ross Levinsohn, Appoints Manoj Bhargava As Interim CEO

December 11, 2023 04:30 PM Eastern Standard Time

NEW YORK--(BUSINESS WIRE)--Today, the board of directors of The Arena Group Holdings, Inc. (NYSE American: AREN) met and took actions to improve the operational efficiency and revenue of the company. The board terminated the employment of CEO Ross Levinsohn, and named Manoj Bhargava as interim Chief Executive Officer, both effective today.

This follows actions last week, in which the company terminated the employment of operations president and COO Andrew Kraft, media president Rob Barrett, and corporate counsel Julie Fenster.

Current SEC filings information and announcements can be found at:

<https://investors.thearenagroup.net/>

About The Arena Group

The Arena Group (NYSE American: AREN) is an innovative technology platform and media company with a proven cutting-edge playbook that transforms media brands. Our unified technology platform empowers creators and publishers with tools to publish and monetize their content, while also leveraging quality journalism of anchor brands like *Sports Illustrated*, *TheStreet*, *Parade*, *Men's Journal*, and *HubPages* to build their businesses. The company aggregates content across a diverse portfolio of over 265 brands, reaching over 100 million users monthly. Visit us at thearenagroup.net and discover how we are revolutionizing the world of digital media.

Contacts

All Media Inquiries to:

Vince Bodiford, communications representative of Manoj Bhargava.

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EXHIBIT 1B

HEADS WILL ROLL | 12.6.23, 5:57 PM EST by MAGGIE HARRISON DUPRÉ

Top Execs at Sports Illustrated's Publisher Fired After AI Debacle

Just a week over being blasted for unscrupulous AI use, the C-suite at Sports Illustrated's parent company is changing.

/ Artificial Intelligence / Ai / Media / Sports Illustrated



Image by Drew Angerer via Getty / Futurism

Sports Illustrated publisher The Arena Group has fired two senior executives, COO Andrew Kraft and President Rob Barrett, following its [recent AI fiasco](#).

The dismissals were confirmed by a representative for Arena Group majority owner Manoj Bhargava, the billionaire 5-hour Energy magnate who [acquired a majority stake](#) in the media company back in August.

Arena Group's CEO Ross Levinsohn will stay in his role as chief executive.

Speaking to *Futurism*, Bhargava's rep claimed the dismissals were unrelated to recent revelations about Arena Group's use of AI or the resulting damage to the reputation of *Sports Illustrated* and Arena Group writ large — and that the cuts were made as part of Bhargava's overall reorganization plan.

The C-suite shuffle comes just over a week after a *Futurism* report revealed that *Sports Illustrated* and Arena Group-owned finance site *TheStreet* had been publishing affiliate link-laden commerce articles under the bylines of fake writers. Sources close to the creation of that fake author-bylined content told *Futurism* that the text itself was AI-generated, and published without proper automation disclosures. For their part, The Arena Group claimed that the third-party content provider that created the posts, AdVon Commerce, used fake authors as simple "pen names" for real people, and that no AI was used. Sure!

A botched AI program that involved lying to readers about the nature of the content they're consuming isn't Arena Group's only problem. Its stock has been plunging for quite some time; the AI news caused another [significant hit](#), but the company hasn't seemed to be on excellent footing for a while now.

We reached out to both Kraft and Barrett's company emails, but those messages bounced. The two executives have also since been removed from the Arena Group's Slack channels, according to screenshots viewed by *Futurism*.

The news — to even casual observers — can't be all that surprising. The revelations

Disclosure: Futurism's parent company, Recurrent Ventures, previously worked with AdVon in 2022 via its partnership to distribute select content on third-party e-commerce platforms. This content was written by Recurrent's contributors. Presently, Recurrent maintains a business relationship with them to test Commerce content internationally for select brands (of which Futurism is not one). AdVon content has never been published on Futurism or any of Recurrent's websites.

More on *Sports Illustrated* and its AI saga: [*Sports Illustrated Published Articles by Fake, AI-Generated Writers*](#)

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